

HAWAII BOARD OF VETERINARY MEDICINE
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Wednesday, January 30, 2019

Time: 10:12 a.m.

Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Present: Jenee Odani, D.V.M., Chairperson
Craig Nishimoto, D.V.M., Vice-Chairperson
Robert Jordan, D.V.M., Member
Alicia Maluafiti, Member
Kedin C. Kleinhans, Executive Officer
Shari Wong, Deputy Attorney General (“DAG”)
Lori Nishimura, Secretary

Excused: Leianne K. Lee Loy, D.V.M., Member

Guest: None.

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Hawaii Revised Statutes (“HRS”) section 92-7(b).

Call to Order: There being a quorum present, the meeting was called to order at 10:12 a.m. by Chairperson Dr. Odani.

Approval of Minutes of the October 24, 2018 Board Meeting:

After discussion, it was moved by Ms. Maluafiti, seconded by Vice-Chairperson Dr. Nishimoto, and unanimously carried to approve the October 24, 2018 meeting minutes as circulated.

Board's consensus was to take the following agenda item out of order.

At 10:15 a.m., the Board recessed the meeting to discuss and deliberate on the following adjudicatory matter pursuant to Hawaii Revised Statute (“HRS”) chapter 91.

Chapter 91, HRS Adjudicatory Matters:

A. In the Matter of the Veterinarian License of Nicole M. Tsutahara;
VET 2017-3-L

DAG Wong arrived to the meeting at 10:20 a.m.

After discussion, it was moved by Vice-Chairperson Dr. Nishimoto, seconded by Dr. Jordan, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Veterinarian License of Nicole M. Tsutahara; VET 2017-3-L.

At 10:26 a.m., the Board reconvened its scheduled meeting.

Executive
Officer's Report:

A. Exam Branch Information for the Permitted Interaction Group to Review Exam Content

Executive Officer Kleinhans stated the Permitted Interaction Group (members: Chairperson Dr. Odani, Vice-Chairperson Dr. Nishimoto, and Dr. Jordan) is scheduled to review the question bank of the State examination for possible amendments to the content of the examination at the conclusion of this meeting. The Board will review the suggested amendments at its next meeting.

B. Random Audit of July 1, 2016 – June 30, 2018 License Term

Executive Officer Kleinhans stated a random audit of the July 1, 2016 to June 30, 2018 license term licensees was conducted on October 2, 2018 to December 2, 2018. Five (5) percent of the total current licensees were randomly selected for audit and the following summary of the audit was provided:

- 91% compliant - auditees submitted proof of their twenty (20) continuing education hours claimed with their renewal of license.
- 9% non-compliant – auditees have been referred to the Regulated Industries Complaints Office for non-compliance.

C. American Association of Veterinary State Boards (“AAVSB”)

1) Call for Nominations

Executive Officer Kleinhans stated the Nominating Committee of the AAVSB announced the nominations for the 2019-2020 leadership year are now open. Handout for interested Board members was made available.

2) Board Basics & Beyond Interactive Regulatory Board Training

Executive Officer Kleinhans informed the Board that this year's AAVSB Board Basics & Beyond Interactive Regulatory Board Training will be held April 5-6, 2019 in Kansas City, Missouri. One delegate may be able to attend. Handout for interested Board members was made available.

3) 2019 Annual Meeting & Conference

Executive Officer Kleinhans informed the Board that the 2019 AAVSB Annual Meeting & Conference will be held on October 26-28, 2019 in St. Louis, Missouri. Mr. Kleinhans commented DAG Wong has expressed her interest in attending, and further mentioned that another delegate may also attend.

Applications:

A. Ratification of Issued Temporary Permit

After discussion, it was moved by Ms. Maluafiti, seconded by Vice-Chairperson Dr. Nishimoto, and unanimously carried to ratify the following issued temporary permits:

- 1) LUM, Janelle K. U.
- 2) NISHIMURA, Satoko
- 3) RIVERA GALLARDO, Diana L.

B. Ratification of Issued License

After discussion, it was moved by Ms. Maluafiti, seconded by Vice-Chairperson Dr. Nishimoto, and unanimously carried to ratify the following issued licenses:

- 1) BUTTERWECK, Joseph S.
- 2) CALACETO, Donald J.
- 3) GANS, David H.
- 4) GRAAS, Jonathon A.
- 5) HUMMEL, Tiffany L.
- 6) JENSEN, Kirsten A.
- 7) JOHNSON, Kelly S.
- 8) MALON, Catherine M.
- 9) MOLINE, Nadia E.

Examinations:

A. Results of the State Veterinary Licensing Examination Administered on October 19, 2018

Candidates Eligible:	2
Exams Administered:	2
Successful:	2
Failed:	0
No Shows:	0

Results of the State Veterinary Licensing Examination Administered on November 16, 2018

Candidates Eligible:	6
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Exams Administered:	5
Successful:	4
Failed:	1
No Shows:	1

Results of the State Veterinary Licensing Examination
Administered on December 21, 2018

Candidates Eligible:	7
Exams Administered:	7
Successful:	5
Failed:	2
No Shows:	0

Results of the State Veterinary Licensing Examination
Administered on January 18, 2019

Candidates Eligible:	1
Exams Administered:	1
Successful:	1
Failed:	0
No Shows:	0

Legislation:

A. Senate Bill No. 202 – Relating to Professional and Vocational
Regulatory Programs

This measure establishes repeal dates for all professional and vocational regulatory programs under PVL and requires the Auditor to perform an evaluation of each program prior to repeal.

Discussion ensued on Senate Bill No. 202. Executive Officer Kleinhans stated that the last time this Board was audited was January 1987. That report found that the “need for regulation is significant”.

Board members agreed that the purpose and mission of the Board has not changed. The Board reaffirmed the 1987 audit report and argue that it is even more important now, as pets are even more valued and technology has progressed the veterinary profession.

After discussion, it was moved by Ms. Maluafiti, seconded by Vice-Chairperson Dr. Nishimoto, and unanimously carried to provide comments to Senate Bill No. 202, as discussed.

Hawaii Administrative
Rules (“HAR”) – Revisions
to Chapter 101, Draft 8:

The Board will review the American Veterinary Medical Association Practice Act; the AAVSB Practice Act; laws, rules and policies of other states; and previous drafts of HAR §16-101 to amend its administrative rules.

A. Rule Making Flowchart

The Board was provided with a copy of the Hawaii Administrative Rules Proposed Rule Making Flowchart.

B. Review and Amendments to Draft 8

- 1) Add: Definition of “Veterinarian-Client-Patient Relationship”
- 2) Add: Definition of “Telemedicine”
- 3) Amend: Updating of Entity Names
 - a. Board of Veterinary Examiners → Board of Veterinary Medicine
 - b. National Board of Veterinary Medical Examiners → International Council for Veterinary Assessment

Discussion ensued on HAR § 16-101, draft 8. Executive Officer Kleinhans provided a summary of the general purpose to the proposed amendments of that draft.

Executive Officer Kleinhans commented that the Board references the AVMA Principles of Veterinary Medical Ethics for Veterinarian-Client-Patient Relationship (“VCPR”).

Chairperson Dr. Odani commented that she would rather have the VCPR more specific for Hawaii.

Ms. Maluafiti commented that she would like the Board to address telemedicine as the Medical Boards have – to “elevate the occupation”.

DAG Wong stated that telemedicine needs to be addressed in the statutes in order to place it in the administrative rules.

After discussion, it was moved by Ms. Maluafiti, seconded by Dr. Jordan, and unanimously carried to defer decision-making on the definition of VCPR and to default to the AVMA Principles of Veterinary Medical Ethics; to defer decision-making on adding the definition of telemedicine; and to accept amendments updating entity names as aforementioned.

DAG Wong left the meeting at 11:40 a.m.

New Business:

A. PVL Exam Branch – Examination Candidate Review

The Board was provided with a copy of a letter from an examination candidate who challenged a question from the State written exam.

At 12:01 p.m., it was moved by Vice-Chairperson Dr. Nishimoto, seconded by Dr. Jordan, and unanimously carried for the Board to consider and evaluate personal information relating to individuals applying for professional or vocational licenses, to consider sensitive matters related to public safety or security, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order in accordance with HRS sections 92-5(a)(1),(6), and (8).

EXECUTIVE SESSION

At 12:03 p.m., it was moved by Vice-Chairperson Dr. Nishimoto, seconded by Dr. Jordan, and unanimously carried for the Board to move out of Executive Session.

After discussion, it was moved by Vice-Chairperson Dr. Nishimoto, seconded by Dr. Jordan, and unanimously carried to invalidate the challenged question from the State written exam.

Correspondence:

- A. Under the Direct Supervision of a Licensed Veterinarian, Can Veterinary Student:
- 1) Perform surgery?
 - 2) Perform spays/neuters?
 - 3) Perform dental extractions?
 - 4) If yes, what year of schooling does the student need to be in?

After discussion, the Board reached consensus on the following response:

- 1) Yes.
- 2) Yes.
- 3) Yes.
- 4) The Board does not want to further define student, but noted that it is at the supervising Veterinarian's discretion – as long as the veterinarian is comfortable in their professional judgment to allow the veterinary student to perform those services.

- B. Does the Board Have a Position on the Use of CBD (Cannabidiol)?

The Board's consensus was that they do not have a position statement on the use of CBD, but will monitor the research that is being done.

Public Comment:

Chairperson Dr. Odani shared the following bills:

- House Bill No. 146 – Relating to Health. This bill seeks to establish and appropriate funds for one full-time equivalent permanent veterinary medial officer position within the Department of Health.
- Senate Bill No. 1350 – Relating to Animal Fur Products. This bill seeks to prohibit the manufacture and sale of animal fur products except in certain circumstances.
- House Bill No. 200 – Relating to Cruelty to Animals. This bill seeks to prohibit certain restraints and tethers that endanger, or deny sustenance, to a dog. Specifies penalties and provides that fines for these crimes be paid to the respective county where the crime occurred.

Ms. Maluafiti shared the following bill:

- House Bill No. 930 – Relating to Animals. This bill seeks to prohibit a pet store operator from selling a dog, cat, or rabbit unless the dog, cat, or rabbit was obtained from certain humane sources.

Next Board Meeting:

Wednesday, April 17, 2019
10:00 a.m.
King Kalakaua Building
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment:

There being no further discussion, the meeting adjourned at 12:15 p.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

Reviewed and approved by:

/s/ Kedin C. Kleinhans

Kedin C. Kleinhans, Executive Officer

KCK:ln

02/12/19

[x] Minutes approved as is.

[] Minutes approved with changes. See Minutes of _____.